

SENATE BILL NO. 190

INTRODUCED BY M. PHILLIPS, B. KEENAN, J. SESSO

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LEGISLATURE'S REVENUE ESTIMATING LAWS; PROVIDING THAT THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE'S REVENUE ESTIMATING RESOLUTION DOES NOT CONSTITUTE THE LEGISLATURE'S OFFICIAL REVENUE ESTIMATE UNTIL FINAL ADOPTION OF THE ESTIMATE BY BOTH HOUSES; PROVIDING THAT A LEGISLATURE MAY ADOPT A SUBSEQUENT REVENUE ESTIMATING RESOLUTION; AND AMENDING SECTION 5-5-227, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 5-5-227, MCA, is amended to read:

"5-5-227. Revenue and transportation interim committee -- powers and duties -- revenue estimating joint resolution and use of estimates. (1) The revenue and transportation interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the department of revenue and the department of transportation and the entities attached to the departments for administrative purposes.

(2) (a) The committee must have prepared by December 1 for introduction during each regular session of the legislature in which a revenue bill is under consideration a joint resolution that provides an estimate of the amount of revenue projected to be available for legislative appropriation.

(b) The committee may prepare for introduction during a special session of the legislature in which a revenue bill or an appropriation bill is under consideration a joint resolution that provides an estimate of the amount of projected revenue. The revenue estimate is considered a subject specified in the call of a special session under 5-3-101.

(3) (a) (i) The committee's estimate, in the form of a joint resolution as introduced in the legislature, ~~constitutes the legislature's~~ is the current revenue estimate until amended or until final adoption of the estimate by both houses. ~~It is intended that the legislature's estimates and the assumptions underlying the estimates will~~

(ii) Subject to ~~subsection~~ SUBSECTIONS (3)(b) AND (3)(c), the estimate and the assumptions underlying the estimate must be used by all agencies with responsibilities for estimating revenue or costs, including the

1 preparation of fiscal notes.

2 (b) (i) ~~The~~ SUBJECT TO SUBSECTION (3)(C), THE revenue estimate and the assumptions underlying the
3 estimate do not constitute the legislature's revenue estimate for the purpose of determining whether there is a
4 balanced budget as required by Article VIII, section 9, of the Montana constitution until final adoption of the
5 estimate by both houses.

6 (ii) ~~Upon~~ SUBJECT TO SUBSECTION (3)(C), UPON final adoption by both houses, the adopted revenue
7 estimate must be used by all agencies with responsibility for estimating revenue or costs, including the
8 preparation of fiscal notes, and it must be used for the purpose of determining whether there is a projected
9 general fund deficit under 17-7-140.

10 (C) THE HOUSE OR THE SENATE, OR BOTH, MAY INTRODUCE SUBSEQUENT JOINT RESOLUTIONS ON THE REVENUE
11 ESTIMATE. THE REVENUE ESTIMATE THAT IS MOST RECENTLY ADOPTED BY BOTH HOUSES IS THE LEGISLATURE'S REVENUE
12 ESTIMATE AND MUST BE USED:

13 (I) FOR THE PURPOSE OF DETERMINING WHETHER THERE IS A BALANCED BUDGET;

14 (II) BY ALL AGENCIES WITH RESPONSIBILITY FOR ESTIMATING REVENUE OR COSTS, INCLUDING THE PREPARATION
15 OF FISCAL NOTES; AND

16 (III) TO COMPARE THE ADOPTED REVENUE ESTIMATE AND ASSUMPTIONS TO CURRENT REVENUE ESTIMATES UNDER
17 17-7-140(4).

18 (4) The legislative services division shall provide staff assistance to the committee. The committee may
19 request the assistance of the staffs of the office of the legislative fiscal analyst, the legislative auditor, the
20 department of revenue, and any other agency that has information regarding any of the tax or revenue bases of
21 the state."

22 - END -